

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

|                           |   |                |
|---------------------------|---|----------------|
| DEWAYNE PATRICK           | ] |                |
| Plaintiff,                | ] |                |
|                           | ] |                |
| v.                        | ] | No. 3:11-0064  |
|                           | ] | Judge Campbell |
| WILLIAM T. MOYERS, et al. | ] |                |
| Defendants.               | ] |                |

M E M O R A N D U M

The plaintiff, proceeding *pro se*, is a resident of Moss Point, Mississippi. He brings this action pursuant to 42 U.S.C. § 1983 against William Moyers and Deana Davis, employees of the Tennessee Board of Probation and Parole, seeking damages.

The plaintiff is apparently upset that, on at least two occasions, a warrant was issued charging him with a violation of his probation.

This action is being brought against the defendants in their official capacities only. As such, the plaintiff is suing the defendants' official office rather than the individuals themselves. Will v. Michigan Department of State Police, 109 S.Ct. 2304, 2312 (1989). In essence, then, the plaintiff's claims are against the State of Tennessee, the entity responsible for the operation of the Tennessee Board of Probation and Parole. Johnson v. Dellatifa, 357 F.3d 539, 545 (6<sup>th</sup> Cir.2004).

The Eleventh Amendment bars a suit in federal court by a citizen against a state unless the state has expressly consented to suit by waiving its sovereign immunity or Congress has clearly overridden that immunity. Pennhurst State School and Hospital v. Halderman, 104 S.Ct. 900, 908 (1984); Will v. Michigan Department of State Police, *supra*. Congress has not overridden a state's sovereign immunity to civil rights complaints. Moreover, the State of Tennessee has not consented to waive its immunity to such actions. Berndt v. Tennessee, 796 F.2d 879 (6th Cir.1986). As a consequence, the plaintiff has failed to state a claim against the defendants acting in their official capacities.

In the absence of an actionable claim, the Court is obliged to dismiss the complaint *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.

  
Todd Campbell  
United States District Judge